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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 RONALD R. SANTOS,

11 Plaintiff,

12 v.

13 ISIDRO BACA, et al.,

14 Defendants.
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Case No. 2:11-cv-1251-KJD-NJK

ORDER

16 Presently before the Court is Plaintiff's Motion for Leave to Proceed *In Forma Pauperis*
17 (##330, 332). As Plaintiff is proceeding in this action *pro se*, this Court liberally construes his
18 Motion for Leave to Proceed *In Forma Pauperis* as a Motion for Leave to Proceed *In Forma*
19 *Pauperis* on Appeal in accordance with Federal Rule of Appellate Procedure 24.¹

20 Plaintiff is proceeding in this action *pro se* and requests authority pursuant to 28 U.S.C. §
21 1915 to proceed *in forma pauperis*. Plaintiff must pay an initial partial filing fee of the greater of
22 twenty percent of the average monthly deposits or twenty percent of the average monthly balance of
23


24 ¹ The Clerk of Court entered judgment in this case against Plaintiff on March 31, 2017 (#318). Plaintiff filed the
25 present Motion on June 21, 2017, and is currently appealing this Court's grant of summary judgment against him to the
26 United States Court of Appeals, Ninth Circuit (case number 18-15123). Plaintiff filed a "Request for Order Allowing
Plaintiff to Proceed on *In Forma Pauperis* Status on Appeal" (#337) on February 15, 2018. Thus, this Court will liberally
construe and evaluate his prior *pro se* Motion for Leave to Proceed *In Forma Pauperis* as a Motion for Leave to Proceed
In Forma Pauperis on Appeal.

1 his account for the six months immediately preceding the commencement of this action. *See* 28
2 U.S.C. § 1915(b)(1). Plaintiff's average monthly balance is \$00.02, and his average monthly deposit
3 is \$83.33. Therefore, the Court will require an initial partial filing fee of \$16.67 to be made at this
4 time.

5 Additionally, Plaintiff must make installment payments to the extent required by 28 U.S.C. §
6 1915(b)(2). To that end, Northern Nevada Correctional Center and any prison that subsequently
7 houses Plaintiff shall forward to the Clerk of the United States District Court, District of Nevada,
8 twenty percent of the preceding month's deposits to Plaintiff's inmate trust account (in the months
9 that the account exceeds \$10.00) until the full \$505.00 filing fee has been paid for this action. The
10 Clerk of the Court shall send a copy of this Order to the Finance Division of the Clerk's Office. The
11 Clerk shall also send a copy of this Order to the attention of the inmate accounts department at
12 Northern Nevada Correctional Center.

13 Accordingly, subject to the above conditions, Plaintiff's application to proceed *in forma*
14 *papueris* on appeal (##330, 332) is hereby **GRANTED**.

15 DATED this 26th day of February, 2018.

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19 Kent J. Dawson
20 United States District Judge
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